

09/662,968

JFW 3629



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May 24, 2005

United States Department of Commerce  
United States Patent and Trademark Office  
Commissioner For Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner For Patents:

The enclosed copy of a patent application was sent to the wrong party in error and I need to have it sent to me as the inventor and to the attorney that was specified as the processing attorney. We filed a notice of change of processing attorney notice but it was still sent to my old partner.

Because it was sent to the wrong party I only recently received this and I need the time frame changed so that I have enough time to respond to the office action.

I assume this doesn't happen very often but in my case, please make sure that all future correspondence goes to me, Jeff D. Myers at 5309 N. 34<sup>th</sup> St., Phoenix, AZ 85018, and I will make sure that my attorney gets a copy.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Jeff D. Myers". Below the signature, the name "Jeff D. Myers" is printed in a smaller, clean font.

JDM/dkc

Enclosure

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,968	09/15/2000	Tyson Winarski, Esq.	110/103	3019
29455	7590	12/30/2004		
TYSON YORK WINARSKI 428 EAST SUSAN LANE TEMPE, AZ 85281			EXAMINER	VIG. NARESH
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

MAY 31 2005

Application No.

09/662,968

Applicant(s)

WINARSKI, ESQ. ET AL.

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 10 September 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All
    - b) Some \*
    - c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_



Application/Control Number: 09/662,968  
Art Unit: 3629

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## DETAILED ACTION

This is in reference to response received 10 September 2004 to the office action mailed on 09 March 2004. Cancellation of claims 1 – 6 and 10, addition of new claims 11 – 18 have been acknowledged and considered. There are 8 claims, claims 11 – 18 pending for examination.

### *Response to Arguments*

Applicant's argument are for claims added in the amendment filed 10 September 2004 which have been responded to in response to claims 11 – 18.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Original specification filed 15 September 2000 does not teach main computer verifies authenticity of a user and allows compilation of video data to form a video stream to be displayed. Appropriate correction is requested. In response to this application, applicant must add the statement "No New Matter Has Been Added"

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11 – 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter US Patent 6,424,998 in view of Amo et al. US Patent 5,884,181 hereinafter known as Amo.

Regarding claim 11, Hunter teaches system and method for network of thousands of electronic displays, such as electronic billboards or electronic digital movie displays, and a related system that permits display of content on selected displays according to customer dictates. Hunter does not teach a wireless electronic billboard. However, Hunter teaches distribution of digital movies, a satellite uplink/downlink system is used to transmit high speed, compressed, non-real time data on a plurality of channels. Each movie theater is in communication via a satellite downlink and has a decoder and a computer-based data storage device [col. 9, lines 50 – 55]. Amo teaches system and method for electronic billboard, communication links via a telephone line; a wireless communication, infrared or any suitable communication link [col. 3, line 39].

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hunter as taught by Amo and use wireless mode of communication to provide communication capability to billboards where landline is not available. For example, VSAT commercially available at the time of invention.

Hunter in view of Amo teaches:

a plurality of electronic billboards (Amo, pixelboards™, which are capable of displaying relatively simple animated pictures and textual information) [Amo, Fig. 2, col. 1, line 14].

... a video display for showing a video stream (Hunter, electronic displays) [col. 1, line 15, Amo Fig. 2, 212];

a billboard computer, said billboard computer is coupled to and controls said video display [Fig. 2, 212]; and

a main computer, said main computer is connected to a global computer network [Amo, Fig. 1];

Hunter in view of Amo does not teach a billboard antenna coupled to said billboard computer for transferring video data to said billboard computer. However, it would have been obvious to one of ordinary skill in the art at the time invention was made and modify Hunter in view of Amo and use a wireless communication device antenna to be able to transmit and capture signals.

Hunter in view of Amo teaches:

a communication system comprised of a communication server and a transmission antenna (responded to earlier), communication server is connected to said main computer, said transmission antenna is connected to said communication server [Amo, Fig. 1, 3];

a video advertisement stored as a digital file (send their own advertisements electronically) [abstract].

digital file is uploaded to said main computer through said global computer network (The customer then transmits his video or still image advertising content to the processing center) [col. 2, line 53].

transmission of digital file as a signal (it would have been obvious to one of ordinary skill in the art at the time invention was made that data exchange between computer systems is done as exchange of signals)

billboard antenna receives said signal (responded to earlier)

billboard computer processes signal, shows signal on video display as a video stream [Amo, Fig. 5, 6, 7];

an access purchase system that provides a table of billboard information (design choice to decide how to present the available time slots to the user, for example, present time slots in table format as commonly seen in doctors office, or, present time slots for a day in line format as commonly seen in Microsoft Outlook application which was commercially available at the time of invention), said table of billboard information includes a listing of available locations, a listing of available time periods, and a listing of prices, said access purchase system searches a database to determine if said electronic billboard is available to display said advertisement at a requested location and a requested time (business choice to elect what information should be displayed to the user to help the user make the decision). Hunter teaches a central information processing center that permits customers to review a schedule of times and electronic display locations that are available for placement of advertisements, and also permits customers to purchase available times at selected electronic display locations for placement of their advertising content [col. 6, lines 46 – 52]

Regarding claim 12, Hunter in view of Amo teaches a satellite, said satellite receives said digital file from said communication server and transmits said digital file to said billboard antenna (as responded to earlier, for example, VSAT commercially available at the time of invention).

Regarding claim 13, Hunter in view of Amo teaches display is a flat panel electroluminescent display (design choice) [Hunter claim 5].

Regarding claim 14, Hunter in view of Amo teaches display is a liquid crystal display (design choice) [Hunter claim 5].

Regarding claim 15, Hunter in view of Amo teaches display is a light emitting diode display (design choice) [Hunter claim 5].

Regarding claim 16, Hunter in view of Amo teaches a web-site, said web-site is contained on said main computer (design choice), said web-site is accessible on said global computer network (business choice) [Hunter claim 12].

Regarding claim 18, Hunter in view of Amo teaches an upload database, said access purchase system provides an upload code for said digital file when said advertisement is purchased, said main computer accesses said upload database to determine if said upload code is acceptable, said main computer transfers said digital file to said communications system when said upload code is verified (permits customers to purchase available times at selected electronic display locations for placement of their advertising content. The customer then transmits his video or still image advertising content to the processing center where the content is

reviewed for appropriateness and then transmitted to the customer-selected electronic display(s). The electronic displays preferably are large) [col. 2, lines 52 – 56].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR 1.111 (c) to consider the references fully when responding to this office action.

1. Angles et al. US Patent 5,993,811
2. Adler et al. US Patent 6,009,409

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Patent Examiner  
December 26, 2004



<i>Notice of References Cited</i>		Application/Control No.	Applicant(s)/Patent Under Reexamination WINARSKI, ESQ. ET AL.	
		09/662,968	Examiner Naresh Vig	Art Unit 3629

U.S. PATENT DOCUMENTS				
*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,424,998 B2	07-2002	Hunter, Charles Eric	709/207
B	US-5,844,181 A	12-1998	Amo et al.	187/396
C	US-5,933,811 A	08-1999	Angles et al.	705/14
D	US-6,009,409 A	12-1999	Adler et al.	705/14
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L	US-			
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FOREIGN PATENT DOCUMENTS					
*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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*	NON-PATENT DOCUMENTS
U	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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X	

A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.